

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

MATTHEW W. MILLER,

Plaintiff,

v.

LYNN A. MILLER,

Defendant.

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No. 4:24-cv-00785-SPM

**OPINION, MEMORANDUM AND ORDER**

This matter is before the Court on review of the file following self-represented plaintiff Matthew W. Miller's response to the Court's Order to Show Cause. For the following reasons, plaintiff's complaint will be dismissed for lack of subject matter jurisdiction.

On July 8, 2024, the Court issued an Order to Show Cause Order identifying defects in plaintiff's jurisdictional allegations, which he had based on the Court's federal question jurisdiction. Plaintiff had not pled any federal questions on the face of his complaint. He did not allege defendant violated any federal constitutional or statutory provision. He attempted to allege criminal activity on the part of the defendant, but he does not possess a legally cognizable interest in having another person arrested or charged with a crime. *See Linda R.S. v. Richard D.*, 410 U.S. 614, 619 (1973) ("a private citizen lacks a judicially cognizable interest in the prosecution or nonprosecution of another").

On July 31, 2024, plaintiff responded to the Court's Show Cause Order. Again, he does not allege any federal constitutional or statutory claims. Rather, plaintiff reiterates the alleged criminal activity in which defendant participated. Doc. 6. Because this Court hears only cases involving federal questions or cases in which the parties are citizens of different states, the Court has no

power to hear plaintiff's case. As a result, this case will be dismissed for lack of federal subject matter jurisdiction. *See* Fed. R. Civ. P. 12(h)(3).

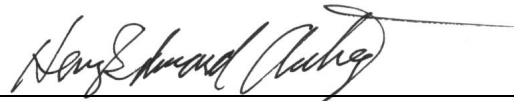
Accordingly,

**IT IS HEREBY ORDERED** that this action is **DISMISSED** for lack of subject matter jurisdiction.

**IT IS FURTHER ORDERED** that plaintiff's motion to appoint counsel is **DENIED as moot**. [ECF No. 3]

An Order of Dismissal will accompany this Memorandum and Order.

Dated this 15<sup>th</sup> day of August, 2024.

A handwritten signature in black ink, reading "Henry Edward Autrey", is written over a horizontal line.

HENRY EDWARD AUTREY  
UNITED STATES DISTRICT JUDGE